

# Whitman Again Witness at Inquiry into Alleged Slush Fund

## Two Bribery Charges Are Shot at Ex-Governor

### He Emphatically Denies He Offered Citizenship to Friend of Senator in Exchange for His Vote

### Cotillo Says Orr Did It

### New York Member Names Secretary as Man Who Urged Vote for Perkins

Forty-fourth Street, a thirty-sixth-hour speaking barrage started at noon yesterday and will be laid down incessantly until the hour of twelve is struck to-night.

The Victory ship—the Calhoun—is steaming for New York harbor at full speed. Its advance has been geared to the progress of the loan campaign. The lagging held up the ship during the early part of the campaign, but it is expected to arrive in the Victory harbor on time.

Rear Admiral T. J. Cowie, Navy Liberty loan officer, yesterday sent the following radio message to Commander J. H. Toward, commanding the "Pratt" bill was not before me. I have talked with several people about the bill; it is similar to this!—

The Carson-Martin bill is practically the Pratt bill," explained Mr. Moss.

**Bill Not Before Him**

"I stated to several people," said the witness, "that of course I could not be upon a measure that was not before me; that at the request, or suggestion, I can hardly say request, of the various persons, that I would not send an emergency message for it that at that time, I think it was March a year ago, my general position was rather unfavorable. I would not say what I would do until the bill was before me."

I never said that I would sign it and I never said that I would veto it. To that extent I took a position. I stated that it seemed to me that it was inopportune and I do not believe that that bill could pass. I think now that it would have been unwise to pass it at that session, but I am not sure what would have been done after careful consideration of the bill, because it was a large question and people of large view and consequence in regard to it were in doubt, and I think the Legislature was quite in doubt about it."

Q—Well, in these conversations with various persons, members of the Legislature and others, did you not cause it to be known that you were antagonistic to the bill?

Didn't say he wouldn't sign.

A—I don't know how to answer that question, Mr. Moss. You understand it is an improper question. What I stated is the truth. I think it very likely that some of the members of the Legislature did believe that I was not favorable to the bill, and it was true; I was not. But I never stated that I wouldn't sign it.

Q—Do you know that it did in the Committee on Rules because of the belief that you were opposed to it?

A—I did not know it.

Q—And you did not do anything to give it life or vitality? A—I did not decline to send an emergency message. I did state that I had no objection whatever to its being introduced.

Q—In March of this year did you talk with General Vandervilt about being retained by the Interborough company with reference to the subject of increased revenue? A—With reference to the subject of increased revenue, I think General Vandervilt some weeks before we were retained asked me if my firm was in a position to do some law business for the Interborough.

**His Talk With Vandervilt**

Q—In the conversation with General Vandervilt was not the financial situation of the railroad discussed? A—I think he said he thought things were in rather a bad way.

Q—And didn't you understand that the particular reason why it was desired to have your firm added to the legal assistants of the company was because the finances of the company were in bad shape and the income being too small? A—Well, suppose the finances were in bad shape because the income was too small. That was not the language he used. He said the road was in bad shape and they needed more counsel and wanted to know if we could accept a retainer.

Q—And was the pendency of the Carson-Martin bill discussed between you and the general? A—Never.

Q—When did you first talk to Mr. Shonts about the proposed retainer? A—It was, perhaps, about March 18 or 20, or later.

**Tells of Conversation He Had With T. P. Shonts**

Q—Will you state the conversation you had with Mr. Shonts? A—Mr. Shonts asked me how business was and if we were then in a position to ac-

cept a retainer, to accept some business for the company. Mr. Shonts expressed his very keen regret at the insolvency of these companies, and, somewhat in detail, went into his own work during the last years. I stated to him that, "Of course, Mr. Shonts, you understand I am not in a position or my firm is not in a position to do lobbying, to act as a lobbyist, or to influence legislation." He said, "I understand that."

Q—Was the pendency of the bill in Albany mentioned? A—I think it was.

Q—Did you express your opinion as to whether it was a good bill? A—I did. I told him I thought it was a very desirable bill, as I told many people.

Q—Was anything said of your attitude toward the Pratt bill, of the previous session? A—There was not.

Q—Did any one ask you how it was you could favor the Carson-Martin bill at this session of the Legislature and oppose the Pratt bill when you were Governor? A—You are assuming that I opposed the Pratt bill, Mr. Moss.

**Did Not Let It Die**

Q—I am assuming that you favored it and let it die because— A—I did not let it die, Mr. Moss.

Q—Well, you did not give it any help. A—These gentlemen were responsible for the bill. I was not in favor of it, that is true.

Q—Did you leave that conference of last March with Mr. Shonts, with the understanding that you had been retained, and it was merely a question of time and the making out of a check and arranging of terms, when you would get your retainer check? A—I expected to be retained, yes.

Q—Well, weren't you retained that day? A—Well, it is a question what you mean by retained. I was not retained. I was in a position not to continue with us, I think. He told me that the retainer would be arranged. These long matters, as he expressed it, must be arranged with counsel. I expected to be. I had informed Senator Thompson that we were working for Interborough, or expected to be, I had forgotten the term I used.

Q—Are you sure you told Senator Thompson you were retained, or expected to be retained, at the time you had the conversation, March 23? A—I did. As he expressed it, I understood it, that Mr. Shonts sent me to him. I told him Mr. Shonts sent me to him.

**Did Not Mention Shonts**

Q—Yes, you told him Mr. Shonts sent you to him? A—I did not say so.

Q—Did you not? A—I did not.

Q—Did you say that Mr. Shonts had retained you, or you expected to be retained by Mr. Shonts? A—I did not mention Mr. Shonts's name. I mentioned Mr. Shonts's name, but I did not say that Mr. Shonts had retained me, or that I expected to be retained by him.

Q—Did you testify at the last hearing before this committee that you told Mr. Thompson you had been retained by Mr. Shonts? A—I think I did. I did not recall it, but I did not say I did not, but I think I did. I told him we were not retained for the purpose of advancing legislation.

Q—Well, on page 218 of your testimony before this committee, A—I told him that we had not been.

Q—I refer you to the question which was put to you by Mr. Cheney, and you said, speaking now, "Were you at that time in the employ of the Interborough Railroad as a street railroad, or whatever its name might be, as the Interborough?" A—My firm, Whitman, Ottinger & Ransome, I think at that time we had not been retained. We were in the next week on some various matters. The next week the retainer came to us, the next week, Mr. Moss.

**Not Retained Until Got Check, He Thought**

Q—Well, do you consider the check the retainer? A—Why, yes. I thought so at the time.

Q—Well, the check is the retainer check, but the retainer is the agreement to become counsel and client, about that time, yes, we were employed at that time.

Q—Didn't you consciously leave this committee with the impression, when you testified before it, that at the time you had the talk with Thompson you had not been retained by the company? A—I do not think so. I explained to this committee our conversations with Mr. Shonts the week before.

Q—But didn't you say that you had not been retained? A—Along that line, exactly. I said we had not received the retainer. We had not.

Q—You did not say—pardon me—from this record that you had received a check? A—The record speaks for itself.

Q—It says you had not been retained? A—The record speaks for itself.

**The Talk With Quackenbush**

Q—Do you know at the meeting of the executive committee or board of directors, on the 25th of March, that Mr. Shonts reported he had retained you? A—I do not know that.

Q—Do you remember the conversation that you had with Mr. Quackenbush on the twenty-eighth of March; that was one day before the conversation with Thompson? A—Yes.

Q—Will you state what you recall of the conversation you had with Mr. Quackenbush on the twenty-eighth? A—Well, we had a conversation with Mr. Quackenbush for a few moments alone in his office. Mr. Shonts was engaged. Then we went into Mr. Shonts's office. The conversation was

very brief. He did speak to me relative to the Martin Bill. I told him that with regard to it I assumed that it would pass the Assembly, that I did not know whether it would be successful in the Senate. Mr. Quackenbush himself expressed very grave doubts about it. He then told me that he had talked with Mr. Shonts, that we would go in and talk with Mr. Shonts relative to the situation. I expressed to Mr. Quackenbush the desire of my firm to do such business for them as we could. We went in to see Mr. Shonts and were with him for a very brief time. There was nothing particularly discussed.

Q—Did you tell Mr. Quackenbush the fact that you had acquaintances all over the state in that connection? A—I may have said I had numerous acquaintances. As the Governor of the state I had.

Q—Did you say that with reference to the service that you might be able to render the company? A—I may have said that, I do not recall it. But I did say to him that I presume I should see Senator Thompson, and possibly Senator Davenport in the future.

Q—Did you ask him what Senators were opposed to the Carson-Martin bill? A—He may have volunteered that, I did not ask him. It was public knowledge in the newspapers.

Q—If I am not asking as much as to whether he volunteered it, but I ask you to search your memory—did you mean by retainer, Mr. Moss. They were opposed to the bill? A—I did not know it. I think I did.

**Says Glynn Told Him Thompson Would Come**

Q—That is unquestioned, but did you say you would see him? A—I said I expected to see him, I think.

Q—You said you expected to see him? A—I had already expected to see him.

Q—Had you taken any measures to see Senator Thompson? A—I had not taken measures to see Senator Thompson, but as I recall it, Mr. Glynn, the chairman of the state committee, had told me as I testified before, that Senators—members of the Legislature—would be down in the city at the time of the 25th Division, that he wanted me to talk to Senator Thompson and one or two others—he did not mention the others; that Senator Thompson was away, as he expressed it, from the party; that he thought after he talked with him, that it might be a good thing if I would see him and talk things over, or words to that effect. That was probably Monday or Tuesday. I did not recall it, but I would be glad to see any of them, and I would be very glad to see Thompson, if he cared to come to see me. Mr. Glynn said, "I will ask him," or words to that effect. I did tell Mr. Quackenbush, and I think I told Mr. Shonts. I am not sure of it—that I would be very glad to talk with Senator Thompson about the bill, and I would be very glad to talk with Senator Davenport about the bill, as I certainly was.

**Did Not Suggest It**

Q—Well, why did you suggest that you would see Senator Thompson? A—I did not suggest it. I told him that I expected to see Senator Thompson.

Q—Didn't you consider yourself retained by the company, at the close of that conversation with Mr. Quackenbush on the 28th of March, the day after the retainer fixed, and he promised to send it to you? A—On the 28th?

Q—Yes, A—I should say yes.

Q—And that was the day before the conversation with Thompson? A—That was the day before, I say we were employed, but the retainer had not come.

Q—Well, do you think you would be rendering services under that retainer by talking to Senator Thompson and Senator Davenport? A—No, sir, I did not.

Q—Because we were not retained for lobbying purposes. I was perfectly willing to talk to Senator Thompson about the bill.

**Shifted to Perkins Nomination**

At this point Mr. Moss shifted to the special legislative session in the summer and of fall of 1917, when Governor Whitman unsuccessfully tried to have George W. Perkins confirmed by the Senate. Mr. Perkins confirmed by the Senate. Mr. Moss asked him if he recalled the debates on the question in the Senate, and Mr. Whitman said he remembered them.

Q—Do you remember, or did you hear, of Senator Henry M. Sage standing up there in the Senate on the second day of October and objecting to the secret use of money in connection with that candidacy? A—No, sir, I did not.

Q—Not at all, no," replied the witness. Then he asked: "The secret use of money in connection with Mr. Perkins's campaign?"

"In connection with the movement to have the Senate confirm Mr. Perkins," explained Mr. Moss.

"I never heard of such a thing," was the reply.

Q—Did you know of the statement made in open debate by Senator Sage of the use of money to buy people for Mr. Perkins?

Q—Objects to Question

Mr. Whitman looked at Chairman Burlingame, and said he objected to the question.

Chairman Burlingame asked Mr. Moss to read into the record the official minutes of the Senate. Mr. Moss said he did not have them.

Q—I have some extracts from it, what I was reading was the use of money to buy people," added Mr. Moss. Chairman Burlingame observed that

# Hearst Denies He Asked Governor To Appoint Anyone

## Publisher Assails Smith, Declaring He Has Never Been Convinced of Executive's Sincerity

The following statement was given out last night by William Randolph Hearst and distributed to the local newspapers by the New York City News Association:

"I did not ask Governor Smith to appoint Mr. Palliser, Mr. DeFord or Mr. Limburg to the judgeship made vacant by the resignation of Mr. Shearn."

"I did not ask Governor Smith to appoint anybody to that position."

"As a matter of fact, I make a practice of not asking public officials to make appointments first, because the receipt of any favor from public officials in a way restricts and limits the privilege of free and honest criticism which every newspaper should exercise in the discharge of its public duty, and because I do not want any appointments or favors from public officials other than the performance of their public duties. I believe in the independence of the press, and I believe in the independence of the people which caused them to receive the public support and the support of my newspapers."

"I have been particularly careful never to ask any appointment or any other political favor of Governor Smith, for I have never been quite convinced of the sincerity of his professions of progressive principles."

"He has always been too close to Tammany and too close to certain public service corporations to make him an ideal public official from my point of view."

"I supported him because I felt that he was better than Whitman, or at least not as bad as Whitman, and because he made definite declarations in the nature of pledges for publication in my newspapers in favor of public ownership."

"The exposure of Whitman as a discreditable lobbyist agent of the Interborough convinced me that at least I was right in opposing Whitman."

"But that does not mean that I must support any bad appointment that Governor Smith may make or condone any public official who might be a repudiation of his pledges to the public."

"No."

"You never asked me or suggested any support or favors of any kind?"

"No, never in my life—not that I know of."

"And I did not ask you to vote for Mr. Perkins?"

"Never."

But as ex-Governor Whitman was about to leave the chamber Senator Burlingame said:

"Governor, to get back to the issue, have you, since the first time you appeared before the committee, heard anything which would lead you to believe that there was a \$500,000 slush fund in Albany?"

"No, sir, nothing whatever," was the reply. "It is absurd and wicked. Nothing whatever."

**Other Witnesses Heard**

Other witnesses yesterday included Mr. Quackenbush and other street railway men, who told of the expenses in the last year and a half incurred by the streetcar lines of the state in carrying on their propaganda for increased fares. Nearly \$7,000 was spent in preparing bulletins and mailing them, and a little more than \$28,000 in counsel fees. This included the \$10,000 fee paid ex-Governor Whitman's law firm.

Anthony N. Brady and Charles G. M. Thomas, of the Consolidated Gas Company, were also recalled. Samuel J. Beardsley, counsel to the Consolidated, during the course of his examination, testified that he had obtained one extension of time for the Thompson Committee in 1916, at the request of Burke, who, he said, he believed was acting for Senator Thompson. He said that the extension was obtained through Jesse Brayton of Utica, a friend of Thaddeus C. Sweet, Speaker of the Assembly. Judge Beardsley said he asked Brayton to request Speaker Sweet to consent to the extension.

The committee will meet again next Wednesday.

### N. Y. Lumbermen Indicted

BUFFALO, May 9.—Two additional indictments were returned to-day by the Federal Grand Jury against Asa W. Silverthorne and his son, Frederick W. Silverthorne, charging conspiracy to defraud the government through false checking of lumber shipments. Quers named in the new indictments are Anthony W. Brick, secretary of the Silverthorne Lumber Company; Walter H. Toby, vice-president and treasurer; James M. Smith, of Reading, Penn.; Reuben Brost, of Buffalo, and Herbert J. Clough, of New York.

### Denies Mackay Held Up Eight-Hour Day on System

William J. Deagan, secretary of the Mackay Companies' Postal Telegraph System, issued a statement yesterday terming the Postoffice Department's charge that Mr. Mackay had held up the eight-hour day in the Postal Telegraph System "an absolutely dishonest and deliberate misrepresentation," and "quite characteristic of the unscrupulous type of individuals who are in the wire administration under the direction of Postmaster General Burleson."

### Treaty Clause to Try Kaiser Commended by Mexicans

MEXICO CITY, May 9.—Comment by the Mexico City press on the terms of peace communicated to the Germans at Versailles on Wednesday is confined to Versailles, which says, in part: "The best provision in the treaty is that for the punishment of the former Emperor, as proof that no autocrat can without punishment ruin a people and cause injuries to humanity."

### Rogers Peet Company

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#### WOMEN'S and MISSES' DRESSES and CAPES

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Formerly \$37.50 to \$135.00

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Real Value \$37.50

24.50

10.00

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10.00

Illustrated—A smart frock suitable for women and misses. In Georgette and Foulard combination—featuring a new sleeve effect. Also three other choice models.

Illustrated—A misses' cape of women's wear effect with an unusual vest effect in contrasting shades of wool velour—also a smart surplus model bound with black silk braid.

## A Victory Lost

### Is a Victory that is not used.

### Pay the Price of future Peace—now.

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